



महाराष्ट्र शासन राजपत्र

भाग पाच-अ

वर्ष २, अंक ४] गुरुवार ते बुधवार मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५ [पृष्ठे ५५
किंमत : रुपये ५.००

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).
पुढील विधेयके, दुरुस्त्या इत्यादी असाधारण राजपत्र म्हणून त्यांच्यासमोर दर्शविलेल्या दिनांकांना प्रसिद्ध झालेली आहेत :—

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सोमवार, जुलै १६, २०१२/आषाढ २५, शके १९३४

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 16th July, 2012 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. XXIII OF 2012.

A BILL

further to amend the Bombay Motor Vehicles Tax Act, 1958.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Motor Vehicles Tax Act, 1958, for the purposes hereinafter appearing ; and, therefore,

Bom. LXV of 1958.
Mah. Ord. VI 2012, on the 26th June 2012 ;

(१)

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AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

Short title and commencement. **1.** (1) This Act may be called the Bombay Motor Vehicles Tax (Amendment) Act, 2012.
(2) It shall be deemed to have come into force on the 26th June 2012.

Amendment of section 3 of Bom. LXV of 1958. **2.** In section 3 of the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as “ the principal Act ”), in sub-section (1D), in clause (c), after sub-clause (ii), the following proviso shall be added, namely :—

“ Provided that, such one time tax at twice the rate under sub-clause (i) or (ii) shall not exceed 20 per cent. of the cost of the vehicle.”.

Amendment of THIRD SCHEDULE of Bom. LXV of 1958. **3.** In the THIRD SCHEDULE appended to the principal Act, in PART I, in column (2), in clause (3),—

(a) after the words, brackets and letters “ Compressed Natural Gas (CNG) ” the words, brackets and letters “ or Liquified Petroleum Gas (LPG) ” shall be inserted ;

(b) after the words and letters “ fitted with CNG Kit ” the words and letters “ or LPG Kit ” shall be inserted.

Repeal of Mah. Ord. VI of 2012 and saving. **4.** (1) The Bombay Motor Vehicles Tax (Amendment) Ordinance, 2012, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.

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STATEMENT OF OBJECTS AND REASONS

Sub-section (*1D*) of section 3 of the Bombay Motor Vehicles Tax Act, 1958 (Bom. LXV of 1958), provides for levy and collection of a one time tax for the life time, on all motor cars and omni buses used or kept for use in the State at the rates specified in the THIRD SCHEDULE of the Act.

2. Under PART I of the THIRD SCHEDULE to the said Act, as amended by the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2012 (Mah. VIII of 2012), the rate of one time tax has been increased by 2 per cent. on petrol driven motor cars and omni buses and 4 per cent., on diesel driven motor cars and omni buses, with effect from the 1st May 2012. Under sub-clauses (*i*) and (*ii*) of clause (*c*) of the said sub-section (*1D*), one time tax specified in PART I and PART II of the THIRD SCHEDULE to the said Act, is levied and collected on the motor car or omni bus which is manufactured in India or imported into India and used or kept for use in the State by a person, not being an individual, a local authority, a public trust, a university or an educational institution as well as imported into India and used or kept for use in the State by a person, being an individual, a local authority, a public trust, a university or an educational institution, at twice the rate of one time tax. As such, the one time tax was increased to 18 to 22 per cent. on petrol driven vehicle and 22 to 26 per cent. on diesel driven vehicle depending on cost of vehicle. As a result, the difference in the rate of one time tax in respect of such vehicles was quite high as compared to those in other States. Due to this, the owners of such motor vehicles might have tended to register their vehicles on the office address situated outside the State of Maharashtra, thereby causing loss of revenue to the State. In order to reduce the difference in tax rates in this State and in other States and to have a practical approach in levying the one time tax, the Government considered it expedient to provide that, such twice the rate of tax shall not exceed 20 per cent. of the cost of the vehicle by amending the said sub-section (*1D*), suitably.

3. Under PART I of the THIRD SCHEDULE to the said Act, as amended by the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 2012 (Mah. VIII of 2012), the rate of one time tax was decreased by 2 per cent. on the Compressed Natural Gas (CNG) driven new motor cars and omni buses with original equipment fitted with CNG Kit by manufacturer, with effect from the 1st May 2012, to encourage the protection of environment and use of pure fuel. For the

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same purpose, the Government also considered it expedient to levy the same rate of one time tax also on the Liquified Petroleum Gas (LPG) driven similar vehicles fitted with LPG Kit by manufacturer, by suitably amending PART I in the THIRD SCHEDULE to the said Act.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Motor Vehicles Tax Act, 1958, for the purposes aforesaid, the Bombay Motor Vehicles Tax (Amendment) Ordinance, 2012 (Mah. Ord. VI of 2012), was promulgated by the Governor of Maharashtra on the 26th June 2012.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
dated the 7th July 2012.

PRITHVIRAJ CHAVAN,
Chief Minister.

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FINANCIAL MEMORANDUM

The Bombay Motor Vehicles Tax Act, 1958, has been amended,—

(a) to provide that the one time tax at twice the rate levied and collected in respect of the imported, company owned, etc., motor cars and omni buses under sub-clause (i) or (ii) of clause (c) of sub-section (1D) of the said Act shall not exceed 20 per cent. of the cost of the vehicle ; and

(b) to decrease the rate of one time tax by 2 per cent. on the Liquefied Petroleum Gas (LPG) driven motor cars and omni buses fitted with LPG Kit by the manufacturer, on the same lines as decreased in case of the Compressed Natural Gas (CNG) driven motor cars and omni buses fitted with CNG Kit by the manufacturer.

Thus, there is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

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GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF
THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order,
Law and Judiciary Department)

In exercise of the powers conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the consideration of the Bombay Motor Vehicle Tax (Amendment) Bill, 2012.

Vidhan Bhavan :

Mumbai,
Dated : 16th July, 2012.

DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative
Assembly.

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बुधवार, जुलै १८, २०१२/आषाढ २७, शके १९३४

The following Bill is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. XXIV OF 2012.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 2013.

WHEREAS by virtue of article 204 of the Constitution of India, read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 2013; and for the purpose of authorising payment of the said sums; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra (Second Supplementary) Short title. Appropriation Act, 2012.

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Withdrawal
of Rs.
46,06,90,62,000
out of the
Consolidated
Fund of the
State for the
Financial
Year 2012-
2013.

Appropriation.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column (4) of the Schedule hereto annexed amounting in aggregate to the sum of four thousand six hundred six crores, ninety lakhs, sixty two thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 2013, in respect of the services and purposes specified in column (2) of the Schedule.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 2013.

THE SCHEDULE
(See sections 2 and 3)

No. of Grant or Other Appropriation	Services and Purposes	Head of Account	Sums not exceeding — Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
(1)	(2)	(3)	(4)	Rs.	Rs.
A-EXPENDITURE ON REVENUE ACCOUNT					
General Administration Department.					
A-4	Secretariat and Miscellaneous General Services	<div style="display: flex; justify-content: space-between;"> <div style="flex: 1;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 50%;">2052, Secretariat-General Services.</div> <div style="width: 50%;">2,69,00,000</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 50%;">2059, Public Works.</div> <div style="width: 50%;">...</div> </div> </div> <div style="flex: 1;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 50%;">2070, Other Administrative Services.</div> <div style="width: 50%;">2,69,00,000</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 50%;">2075, Miscellaneous General Services.</div> <div style="width: 50%;">...</div> </div> </div> </div>		2,69,00,000	
A-5	Social Services	<div style="display: flex; justify-content: space-between;"> <div style="flex: 1;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 50%;">2216, Housing.</div> <div style="width: 50%;">11,00,000</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 50%;">2235, Social Security and Welfare.</div> <div style="width: 50%;">...</div> </div> </div> <div style="flex: 1;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 50%;">2250, Other Social Services.</div> <div style="width: 50%;">...</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 50%;">2251, Secretariat-Social Services.</div> <div style="width: 50%;">...</div> </div> </div> </div>		11,00,000	
A-6	Information and Publicity	2220, Information and Publicity.	4,09,49,000	...	4,09,49,000
A-7	Civil Aviation	3053, Civil Aviation.	1,00,00,00,000	...	1,00,00,00,000
A-8	Census, Survey and Statistics	3454, Census, Survey and Statistics.	15,55,23,000	...	15,55,23,000
Total-General Administration Department.			1,22,44,72,000	...	1,22,44,72,000

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(1)	(2)	(3)	(4)
	Home Department.	Rs.	Rs.
B-1 Police Administration	2014, Administration of Justice. 2055, Police. 2070, Other Administrative Services. 2041, Taxes on Vehicles. 3055, Road Transport. 3056, Inland Water Transport. 2045, Other Taxes and Duties on Commodities and Services. 2052, Secretariat-General Services. 2075, Miscellaneous General Services.	2,08,40,01,000 ... 5,30,00,000 ... 33,63,000 ... Total-Home Department.	25,00,000 ... 5,30,00,000 ... 33,63,000 ... 2,14,03,64,000 25,00,000 2,14,28,64,000
B-3 Transport Administration			
B-4 Secretariat and Other General Services.			
C-1 Revenue and District Administration	Revenue and Forests Department. 2029, Land Revenue. 2045, Other Taxes and Duties on Commodities and Services. 2053, District Administration. 2070, Other Administrative Services. 2030, Stamps and Registration.	9,19,16,000 ... 9,19,16,000 ... 50,00,00,000 ... 5,06,25,00,000	50,00,00,000 ... 50,00,00,000 ... 5,06,25,00,000
C-2 Stamps and Registration			
C-6 Relief on account of Natural Calamities.	2245, Relief on Account of Natural Calamities. 2406, Forestry and Wild Life. 2415, Agricultural Research and Education.	5,06,25,00,000 4,22,67,000 ... 4,22,67,000	5,06,25,00,000 ... 4,22,67,000
C-7 Forest			
C-8 Compensation and Assignments to Local Bodies and Panchayati Raj Institutions.	3604, Compensation and Assignments to Local Bodies and Panchayati Raj Institutions.	... 48,17,99,000	48,17,99,000 ... 48,17,99,000
Total-Revenue and Forests Department.	5,69,66,83,000	48,17,99,000	6,17,84,82,000

**Agriculture, Animal Husbandry, Dairy Development and
Fisheries Department.**

D-3	Agriculture Services	2401, Crop Husbandry. 2402, Soil and Water Conservation. 2415, Agricultural Research and Education.	6,85,48,18,000	...	6,85,48,18,000
D-4	Animal Husbandry	2403, Animal Husbandry.	1,54,82,000	...	1,54,82,000
D-6	Fisheries	2405, Fisheries.	79,69,000	...	79,69,000
	Total-Agriculture,Animal Husbandry,Dairy Development and Fisheries Department.		6,87,82,69,000	...	6,87,82,69,000

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Urban Development Department.

F-2	Urban Development and Other Advance Services	2053, District Administration. 2070, Other Administrative Services. 2217, Urban Development. 3054, Roads and Bridges.	35,86,46,000	...	35,86,46,000
F-4	Compensation and Assignments to Local Bodies and Panchayati Raj Institutions	3604, Compensation and Assignments to Local Bodies and Panchayati Raj Institutions.	45,85,00,000	...	45,85,00,000
	Total-Urban Development Department.		81,71,46,000	...	81,71,46,000

Finance Department.

G-2	Other Fiscal and Miscellaneous Services	2047, Other Fiscal Services. 2070, Other Administrative Services. 2075, Miscellaneous General Services. 2216, Housing.	1,00,00,000	...	1,00,00,000
G-5	Treasury and Accounts Administration.	2054, Treasury and Accounts Administration.	4,15,00,000	...	4,15,00,000
G-7	Social Security and Welfare.	2235, Social Security and Welfare.	1,60,58,000	...	1,60,58,000
	Total-Finance Department.		6,75,58,000	...	6,75,58,000

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(1)	(2)	(3)	(4)
		Rs.	Rs.
Public Works Department.			
H-3	Housing.	2216, Housing.	2,20,64,00,000
H-5	Roads and Bridges.	3054, Roads and Bridges. 2059, Public Works. 2202, General Education.	67,05,23,000
H-6	Public Works and Administrative and Functional Buildings.	2203, Technical Education. 2205, Art and Culture. 2210, Medical and Public Health. 2217, Urban Development. 2230, Labour and Employment. 2403, Animal Husbandry. 2405, Fisheries.	3,37,95,00,000
	Total-Public Works Department.	6,25,64,23,000	6,25,64,23,000
Water Resources Department.			
I-3	Irrigation, Power and Other Economic Services	2402, Soil and Water Conservation. 2701, Major and Medium Irrigation. 2702, Minor Irrigation. 2705, Command Area Development. 2711, Flood Control and Drainage. 2801, Power 3402, Space Research.	15,06,34,000 ... 15,06,34,000
I-4	Secretariat-Economic Services.	3451, Secretariat-Economic Services.	1,00,00,000 ...
	Total-Water Resources Department.	16,06,34,000	16,06,34,000

J-1	Administration of Justice	2014, Administration of Justice		75,01,000	6,62,50,000	7,37,51,000
Total-Law and Judiciary Department.						
Industries, Energy and Labour Department.						
K-4	Labour and Employment.	2230, Labour and Employment.		37,36,000	...	37,36,000
K-6	Energy	2801, Power 2810, Non-Conventional Sources of Energy. 2851, Village and Small Industries.		3,02,02,00,000	...	3,02,02,00,000
K-7	Industries	2852, Industries. 2853, Non-Ferrous Mining and Metallurgical Industries.		6,48,02,000	...	6,48,02,000
K-8	Secretariat-Economic Services	3451, Secretariat-Economic Services.		14,00,000	...	14,00,000
	Total-Industries, Energy and Labour Department.			3,09,01,38,000	...	3,09,01,38,000
Rural Development and Water Conservation Department.						
L-3	Rural Development Programmes.	2235, Social Security and Welfare. 2406, Forestry and Wild Life. 2415, Agricultural Research and Education. 2501, Special Programmes for Rural Development. 2505, Rural Employment. 2515, Other Rural Development Programmes. 2551, Hill Areas. 2702, Minor Irrigation. 2810, Non-Conventional Sources of Energy.		5,23,37,09,000	...	5,23,37,09,000
L-5	Compensation and Assignments to Local Bodies and Panchayati Raj Institutions.	3604, Compensation and Assignments to Local Bodies and Panchayati Raj Institutions.		...	81,55,41,000	81,55,41,000
	Total-Rural Development and Water Conservation Department.			5,23,37,09,000	81,55,41,000	6,04,92,50,000

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(1)	(2)	(3)	(4)
		Rs.	Rs.
Food, Civil Supplies and Consumer Protection Department.			
M-2 Food.	2408, Food, Storage and Warehousing.	12,79,51,000	... 12,79,51,000
M-3 Secretariat and Other Economic Services	3451, Secretariat-Economic Services. 3475, Other General Economic Services	19,30,000	... 19,30,000
Total-Food, Civil Supplies and Consumer Protection Department.		12,98,81,000	... 12,98,81,000
Social Justice and Special Assistance Department.			
N-3 Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes.	2225, Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes. 2235, Social Security and Welfare.	36,27,46,000	... 36,27,46,000
Total-Social Justice and Special Assistance Department.		36,27,46,000	... 36,27,46,000
Planning Department.			
O-5 Hill Areas.	2551, Hill Areas.	3,95,14,000	... 3,95,14,000
O-7 Secretariat-Economic Services.	3451, Secretariat-Economic Services.	80,30,00,000	... 80,30,00,000
O-8 Tourism	3452, Tourism	2,00,00,000	... 2,00,00,000
Total-Planning Department.		86,25,14,000	... 86,25,14,000
Public Health Department.			
R-1 Medical and Public Health	2210, Medical and Public Health. 2211, Family Welfare. 2235, Social Security and Welfare.	1,28,16,87,000	... 1,28,16,87,000
R-2 Secretariat-Social Services.	2251, Secretariat-Social Services.	2,36,93,000	... 2,36,93,000
Total-Public Health Department.		1,30,53,80,000	... 1,30,53,80,000

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Medical Education and Drugs Department.

S-1	Medical and Public Health.	2210, Medical and Public Health.	20,24,99,000	...	20,24,99,000
	Total-Medical Education and Drugs Department.		20,24,99,000	...	20,24,99,000

Tribal Development Department.

T-4	Secretariat-Social Services	2251, Secretariat-Social Services.	15,00,000	...	15,00,000
	2202, General Education.				
	2203, Technical Education.				
	2204, Sports and Youth Services.				
	2210, Medical and Public Health.				
	2211, Family Welfare.				
	2215, Water Supply and Sanitation.				
	2216, Housing.				
	2217, Urban Development.				
	2225, Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes.				
	2230, Labour and Employment.				
	2235, Social Security and Welfare.				
	2236, Nutrition.		1,35,63,17,000	...	1,35,63,17,000
	2401, Crop Husbandry.				
	2403, Animal Husbandry.				
	2405, Fisheries.				
	2406, Forestry and Wild Life.				
	2425, Co-operation.				
	2501, Special Programmes for Rural Development.				
	2505, Rural Employment.				
	2702, Minor Irrigation.				
	2801, Power				
	2810, Non-Conventional Sources of Energy.				
	2851, Village and Small Industries.				
	3054, Roads and Bridges.				
	Total-Tribal Development Department.		1,35,78,17,000	...	1,35,78,17,000

(1)	(2)	(3)	(4)
		Rs.	Rs.
Co-operation, Marketing and Textiles Department.			
V-2 Co-operation.	2230, Labour and Employment. 2235, Social Security and Welfare. 2425, Co-operation. 2435, Other Agricultural Programme 2851, Village and Small Industries. 3451, Secretariat-Economic Services. 3456, Civil Supplies.	64,05,32,000 ... 64,05,32,000	64,05,32,000 ... 64,05,32,000
Total-Co-operation, Marketing and Textiles Department.		64,05,32,000	64,05,32,000
Higher and Technical Education Department.			
W-2 General Education.	2202, General Education.	2,93,52,04,000	2,93,52,04,000
W-3 Technical Education.	2203, Technical Education.	90,52,92,000	90,52,92,000
W-4 Art and Culture	2205, Art and Culture. 2230, Labour and Employment.	2,00,000 ...	2,00,000 ...
W-6 Secretariat-Social Services.	2251, Secretariat-Social Services.	7,99,99,000	7,99,99,000
Total-Higher and Technical Education Department.		3,92,06,95,000	3,92,06,95,000
Women and Child Development Department.			
X-1 Social Security and Nutrition	2235, Social Security and Welfare. 2236, Nutrition.	27,06,00,000 ...	27,06,00,000 3,92,06,95,000
Total-Women and Child Development Department.		27,06,00,000	27,06,00,000

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार

मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५						
Water Supply and Sanitation Department.						
प्रभाग पाच-अ-३	Y-2	Water Supply and Sanitation.	2215, Water Supply and Sanitation.	35,76,08,000	...	35,76,08,000
अ-५	Y-5	Secretariat-Economic Services.	3451, Secretariat-Economic Services.	75,00,000	...	75,00,000
		Total-Water Supply and Sanitation Department.		36,51,08,000	...	36,51,08,000
Tourism and Cultural Affairs Department.						
ZD-2	Art and Culture	2205, Art and Culture		3,61,62,000	...	3,61,62,000
		Total-Tourism and Cultural Affairs Department		3,61,62,000	...	3,61,62,000
Minorities Development Department.						
ZE-1	Minorities Development	2052, Secretariat-General Services 2053, District Administration 2075, Miscellaneous General Services. 2205, Art and Culture 2235, Social Security and Welfare.		25,00,01,000	...	25,00,01,000
		Total-Minorities Development Department.		25,00,01,000	...	25,00,01,000
Marathi Language Department.						
ZF-1	Secretariat-General Services	2052, Secretariat-General Services		12,00,000	...	12,00,000
ZF-2	Art and Culture	2205, Art and Culture		59,40,000	...	59,40,000
		Total-Marathi Language Department		71,40,000	...	71,40,000
		Total-A-Expenditure on Revenue Account.		41,28,39,72,000	1,36,60,90,000	42,65,00,62,000

(1)	(2)	(3)	(4)
		Rs.	Rs.
B-EXPENDITURE ON CAPITAL ACCOUNT			
General Administration Department.			
A-9	Loans to Government Servants, etc.	7610, Loans to Government Servants, etc. Servants,etc.	36,50,000 ... 36,50,000
	Total-General Administration Department.	36,50,000	... 36,50,000
Agriculture, Animal Husbandry, Dairy Development and Fisheries Department.			
D-9	Capital Expenditure on Animal Husbandry	4403, Capital Outlay on Animal Husbandry. 6403, Loans for Animal Husbandry	47,51,000 ... 47,51,000
	Total-Agriculture,Animal Husbandry, Dairy Development and Fisheries Department.	47,51,000	... 47,51,000
School Education and Sports Department.			
E-4	Capital Outlay on Education, Sports, Art and Culture	4202, Capital Outlay on Education, Sports, Art and Culture	18,00,000 ... 18,00,000
	Total-School Education and Sports Department.	18,00,000	... 18,00,000
Public Works Department.			
H-7	Capital Expenditure on Social Services and Economic Services	4216, Capital Outlay on Housing, 5054, Capital Outlay on Roads and Bridges	1,000 ... 1,000

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<p>H-8 Capital Expenditure on Public Works Administrative and Functional Buildings.</p> <p>H-9 Capital Outlay on Removal of Regional Imbalance</p>	<p>4059, Capital Outlay on Public Works. 4202, Capital Outlay on Education, Sports, Art and Culture. 4210, Capital Outlay on Medical and Public Health. 4217, Capital Outlay on Urban Development. 4225, Capital Outlay on Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes. 4235, Capital Outlay on Social Security and Welfare. 4250, Capital Outlay on Other Social Services. 4405, Capital Outlay on Fisheries. 4202, Capital Outlay on Education, Sports, Art and Culture. 4210, Capital Outlay on Medical and Public Health. 4250, Capital Outlay on Other Social Services.</p>	<p>57,59,94,000 ... 57,59,94,000 56,27,99,000 ... 56,27,99,000</p>	<p>... ... 57,59,94,000 ... 1,13,87,94,000 ... 1,13,87,94,000</p>
Water Resources Department.			
<p>I-5 Capital Expenditure on Irrigation.</p>	<p>4402, Capital Outlay on Soil and Water Conservation. 4701, Capital Outlay on Major and Medium Irrigation. 4702, Capital Outlay on Minor Irrigation. 4711, Capital Outlay on Flood Control Projects 4801, Capital Outlay on Power Projects.</p>	<p>2,000 ... 2,000 ... 2,000</p>	<p>2,000 ... 2,000</p>

મહારાષ્ટ્ર શાસન રાજપત્ર ભાગ પાચ-૩, ગુરુવાર તે બુધવાર

માર્ચ ૬-૧૨, ૨૦૧૪/ફાલ્ગુન ૧૫-૨૧, શકે ૧૯૩૫

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार

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(1)	(2)	(3)	(4)
		Rs.	Rs.
Law and Judiciary Department.			
J-4	Capital Outlay on Public Works. 4059,	Capital Outlay on Public Works.	1,000
	Total-Law and Judiciary Department.		1,000
Rural Development and Water Conservation Department.			
L-7	Capital Expenditure on Rural Development	4402, Capital Outlay on Soil and Water Conservation. 4515, Capital Outlay on Other Rural Development Programme 4702, Capital Outlay on Minor Irrigation. 6216, Loans for Housing.	1,000 1,50,00,00,000
	Total-Rural Development and Water Conservation Department.		1,50,00,00,000
Food, Civil Supplies and Consumer Protection Department.			
M-4	Capital Expenditure on Food.	4408, Capital Outlay on Food,Storage and Warehousing.	25,00,00,000
	Total-Food, Civil Supplies and Consumer Protection Department.		25,00,00,000
Social Justice and Special Assistance Department.			
N-4	Capital Expenditure on Social Services	4225, Capital Outlay on Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes. 4235, Capital Outlay on Social Security and Welfare. 6225, Loans for Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes.	25,00,00,000 ... 25,00,00,000
	Total-Social Justice and Special Assistance Department.		25,00,00,000

Medical Education and Drugs Department.

S-4	Capital Outlay on Medical and Public Health	4210, Capital Outlay on Medical and Public Health	1,00,00,000	...	1,00,00,000
		Total-Medical Education and Drugs Department.	1,00,00,000	...	1,00,00,000

Tribal Development Department.

T-6	Capital Expenditure on Tribal Areas Development Sub Plan.	4059, Capital Outlay on Public Works.	2,000	...	2,000
		4202, Capital Outlay on Education, Sports, Art and Culture.			
		4210, Capital Outlay on Medical and Public Health			
		4225, Capital Outlay on Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes.			
		4250, Capital Outlay on Other Social Services.			
		4402, Capital Outlay on Soil and Water Conservation.			
		4403, Capital Outlay on Animal Husbandry			
		4404, Capital Outlay on Dairy Development			
		4405, Capital Outlay on Fisheries.			
		4406, Capital Outlay on Forestry and Wild Life.			
Total-Tribal Development Department.		2,000	...		

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार
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(1)	(2)	(3)	(4)
		Rs.	Rs.
Minorities Development Department			
ZE-2 Capital Outlay on Social Securities and Welfare.			
4235, Capital Outlay on Social Securities and Welfare.	26,00,00,000	...	26,00,00,000
Total-Minorities Development Department.	26,00,00,000	...	26,00,00,000
Total-B-Expenditure on Capital Account. .	3,41,90,00,000	...	3,41,90,00,000
Grand Total. .	44,70,29,72,000	1,36,60,90,000	46,06,90,62,000

મહારાષ્ટ્ર શાસન રાજપત્ર ભાગ પાચ-અ, ગુરુવાર તે બુધવાર

માર્ચ ૬-૧૨, ૨૦૧૪/ફાલ્ગુન ૧૫-૨૧, શકે ૧૯૩૫

STATEMENT OF OBJECTS AND REASONS.

The Bill is introduced in pursuance of article 204 of the Constitution of India, read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the year 2012-13.

The amounts are shown below :—

	Rs.
(a) Revenue Expenditure	. . 42,65,00,62,000
(b) Capital Expenditure	. . 3,41,90,00,000
Total . .	46,06,90,62,000

Mumbai,
Dated the 18th July 2012.

AJIT PAWAR,
Deputy Chief Minister.

गुरुवार, जुलै १९, २०१२/आषाढ २८, शके १९३४

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 19th July, 2012 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. XXV OF 2012.

A BILL

further to amend the Maharashtra Land Revenue Code, 1966.

WHEREAS it is expedient further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

Short title. **1.** This Act may be called the Maharashtra Land Revenue Code (Second Amendment) Act, 2012.

Mah. XLI of 1966. **2.** After section 37 of the Maharashtra Land Revenue Code, Insertion of section 37A in Mah. XLI of 1966, the following section shall be inserted, namely :—

“ ३७A. (1) Every sale, transfer, redevelopment, use of additional Floor Space Index (FSI), transfer of Transferable Development Rights (TDR) or change of use of any Government land in Amravati and Nagpur Revenue Divisions, which is granted for various purposes under the provisions of this Code or rules made thereunder or any law relating to land revenue, before the commencement of this Code, including the *nazul* lands in Amravati and Nagpur Revenue Divisions shall be subject to taking the prior permission of the State Government.

Restrictions on sale, transfer, redevelopment, change of use, etc., in relation to Government land and *nazul* land.

(2) The State Government shall, while granting such permission as required under sub-section (1), recover such premium or charge and share of unearned income subject to such terms and conditions as may be specified, by general or special order, issued by the Government, from time to time :

Mah.
of
2012.

Provided that, if the provisions of this section or of any such orders issued thereunder are inconsistent with the terms and conditions of the order of land grant or the lease deed executed prior to the commencement of the Maharashtra Land Revenue Code (Second Amendment) Act, 2012, the terms and conditions of such order of land grant or lease deed shall prevail.

Explanation.—For the purpose of this section,—

(a) “Government land” includes the Government land or part of such land or building erected on such land or part thereof or any right or any benefit arising out of or share in relation to such land or building or part of such land or building ;

(b) “*nazul* land” means the type of Government land used for non-agricultural purpose such as building, road, market, playground or any other public purpose or the *nazul* land which has potential for such use in future including such lands granted on long or short term lease or on no compensation agreement.”.

STATEMENT OF OBJECTS AND REASONS.

Large number of Government lands and *nazul* lands in the Amravati and Nagpur Revenue Divisions were leased for residential and various other purposes. Such lands were leased before the re-organization of the State of Maharashtra as per the provisions of the then existing laws relating to land revenue.

2. The Hon'ble High Court, Nagpur Bench, *vide* its common judgment in various petitions, dated the 30th September 2008, has observed that the existing provisions of law regarding grant or lease of *nazul* lands or Government lands in Amravati and Nagpur Revenue Divisions, do not authorize the Revenue Authority to impose any new conditions or modify any conditions during subsistence of lease period or for that matter at the time of renewal of the lease, such as putting restrictions on the right to alienate the *nazul* land or Government land, making liable for taking prior approval of the Competent Authority and paying the unearned income for recognizing or approving the transfer of such land, in the Amravati and Nagpur Revenue Divisions. It is also observed that, though the renewal of the lease necessarily should be, on same terms and conditions as in the earlier lease except the change or revision in respect of annual lease rent, the State Legislature has authority to enact law authorizing the State Government to claim unearned income from the grantee or lessee for recognizing or approving the transfer of land granted for purposes other than industrial and commercial purposes in question. The Government, therefore, considers it expedient to amend the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), for authorizing the State Government to claim unearned income from the grantee or lessee for recognizing or approving the transfer of land in question and also to incorporate the provisions regarding redevelopment, use of additional floor space index, transfer of transferable development rights in respect of such land.

2. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 17th July 2012.

BALASAHEB THORAT,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 2.—Under this clause, which seeks to insert a new section 37A in the Maharashtra Land Revenue Code, 1966, in sub-section (2) thereof, power is taken to the State Government to issue general or special order to specify the premium or charge and share of an unearned income to be recovered and the terms and conditions therefor, while granting permission to sale, transfer, redevelopment, etc., or change of use of any Government land and the *nazul* land in Amravati and Nagpur Revenue Divisions.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

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FINANCIAL MEMORANDUM

It is proposed to insert a new section 37A in the Maharashtra Land Revenue Code, 1966, providing for restriction on transfers and change of use in respect of Government lands and the *nazul* lands in the Amravati and Nagpur Revenue Divisions and to make provision for recovery of premium or charge and share of unearned income. Thus, there is no provision in the Bill which would involve recurring expenditure or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

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GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207
OF THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order,
Law and Judiciary Department)

In exercise of the powers conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the consideration of the Maharashtra Land Revenue Code (Second Amendment) Bill, 2012.

Vidhan Bhavan :

Mumbai,

Dated : 19th July, 2012.

DR. ANANT KALSE,

Principal Secretary,

Maharashtra Legislative Assembly.

शुक्रवार, जुलै २०, २०१२/आषाढ २१, शके १९३४

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 20th July, 2012 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. XXVI OF 2012.

A BILL

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.

WHEREAS it is expedient further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, for the purposes hereinafter

Bom.
LXVII
of 1948.
Hyd.
XXI of
1950.
Bom.
XCIX
of 1958.

appearing ; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

1. This Act may be called the the Bombay Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Act, 2012. Short title.

Bom. 2. In section 43 of the Bombay Tenancy and Agricultural Lands LXVII Act, 1948, in sub-section (1), after the existing proviso, the following of proviso shall be added, namely :— Amendment of section 43 of Bom. LXVII of 1948.

“ Provided further that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government ;

(b) the purchaser shall be an agriculturist ;

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 ; and

Mah.
XXVII
of 1961.

Bom.
LXII of
1947.

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated. ”.

CHAPTER III

AMENDMENT TO THE HYDERABAD TENANCY AND AGRICULTURAL LANDS ACT, 1950.

Hyd. 3. In section 50B of the Hyderabad Tenancy and Agricultural Lands XXI Act, 1950, to sub-section (1), the following proviso shall be added, of namely :— Amendment of section 50B of Hyd. XXI of 1950.

“ Provided that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार

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in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government ;

(b) the purchaser shall be an agriculturist ;

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 ; and

Mah.
XXVII
of
1961.

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated.”.

Bom.
LXII of
1947.

CHAPTER IV

AMENDMENT TO THE BOMBAY TENANCY AND AGRICULTURAL LANDS (VIDARBHA REGION) ACT, 1958.

Amendment 4. In section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, to sub-section (1), the following proviso shall be added, namely :—

Bom.
XCIX
of
1958.

“ Provided that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government ;

(b) the purchaser shall be an agriculturist ;

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 ; and

Mah.
XXVII
of 1961.

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated.”.

Bom.
LXII
of
1947.

STATEMENT OF OBJECTS AND REASONS.

Sub-section (1) of section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), provides that no land purchased by a tenant under section 32, 32F, 32I, 32O, 33C or 43-1D or sold to any person under section 32P or 64 shall be transferred by sale, gift, exchange, mortgage, lease or assignment without the previous sanction of the Collector and such sanction shall be given by the Collector in such circumstances, and subject to such conditions, as may be prescribed by the State Government. Similar provisions are also obtaining in sub-section (1) of section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. XXI of 1950) and sub-section (1) of section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bom. XCIX of 1958). As the big land owners were not cultivating the lands personally and the same were cultivated by other persons and to give protection to such persons, the said Tenancy laws were enacted. The provisions are made in these Acts in such a way that the big land owners shall not take the possession of such lands forcefully from the tenant. After the commencement of these Acts, a period of more than fifty years is passed. By the lapse of time, the situation has changed and now the number of big land owners is marginal. The process of taking the previous sanction of the Collector causes delay in transfer of lands and accordingly, the tenants have to face the difficulties. Considering this, and with a view to make the process of transfer of such lands easier and more convenient, the Government considers it expedient to dispense with the requirement of previous sanction of the Collector subject to certain conditions in respect of the lands where ten years have elapsed from the date of purchase or sale under the sections mentioned in sub-section (1) of section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, and for that purpose to amend the said section 43, suitably. Similarly, for the same purpose, the Government also considers it expedient to amend section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. XXI of 1950) and section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bom. XCIX of 1958), on the same lines.

2. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 18th July 2012.

BALASAHEB THORAT,

Minister for Revenue.

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार
मार्च ६-१२, २०१४/फालगुन १५-२१, शके १९३५
FINANCIAL MEMORANDUM

By the proposed Bill, sub-section (1) of section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), sub-section (1) of section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. XXI of 1950) and sub-section (1) of section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bom. XCIX of 1958), are amended, suitably, to provide that, if the period of ten years has elapsed from the date of purchase or sale of lands specified in the said sub-section (1), then no previous sanction of the Collector shall be necessary for sale, gift, exchange, mortgage, lease or assignment of such lands, subject to the conditions mentioned therein. Thus, there are no provisions in the Bill which would involve the recurring expenditure or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

महाराष्ट्र शासन राजपत्र भाग पांच-अ, गुरुवार ते बुधवार
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GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF
THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order,
Law and Judiciary Department)

In exercise of the powers conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the consideration of the Bombay Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and Bombay Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Bill, 2012.

Vidhan Bhavan :

Mumbai,

Dated 20th July 2012.

DR. ANANT KALSE,

Principal Secretary,

Maharashtra Legislative Assembly.

ACER—8

३६

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार
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शुक्रवार, जुलै २०, २०१२/आषाढ २९, शके १९३४

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill which was introduced in the Maharashtra Legislative Council on the 19th July, 2012 is published under Rule 113 of the Maharashtra Legislative Council Rules :—

L. C. BILL No. X OF 2012.

A BILL

further to amend the Bombay Village Panchayats Act, 1958.

WHEREAS it is expedient further to amend the Bombay Village Panchayats Act, 1958, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

Short title
and
commencement.

1. (1) This Act may be called the Bombay Village Panchayats (Second Amendment) Act, 2012.

(2) It shall come into force on such date as the State Government may, by notification in *Official Gazette*, appoint.

Bom. III
of 1959.

ACER—8

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार
मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५

३७

Bom. III 2. In section 7 of the Bombay Village Panchayats Act, 1958 Amendment of section 7 of Bom. III of 1959. (hereinafter referred to as “the principal Act”),-

(1) in sub-section (1),-

(a) for the words “six meetings” the words “four meetings” shall be substituted ;

(b) in the second proviso, for the words “three months” the words “four months” shall be substituted ;

(2) in sub-section (5), after the words, brackets and figure “under sub-section (1)” the following shall be added, namely :—

“and the proceedings of such meeting shall invariably be brought or caused to be brought before every regular meeting of the *Gram Sabha* by the *Sarpanch*, and the *Gram Sabha* shall consider the recommendations made in the meeting of the women members, and the *panchayat* shall ensure the implementation of such recommendations:

Provided that, if the *Gram Sabha* is not agreeable to the recommendations made in the meeting of the women members, it shall record the reasons therefor.”;

(3) after sub-section (5), the following sub-section shall be inserted, namely :—

“(5A) Every member of the *panchayat* representing a ward shall, before every regular meeting of the *Gram Sabha* and meeting of the women members of the *Gram Sabha*, convene a meeting of all the voters in such ward and such ward *sabha* may discuss issues relating to development of the ward, selection of individual beneficiaries for individual beneficiary schemes of the State, or as the case may be, of the Central Government, development projects and programmes and such other related issues as the ward *sabha* deems fit and which are likely to be placed before the regular meeting of the *Gram Sabha* for consideration and decision. The proceedings of such meeting shall be maintained by such member under his signature and a copy of the same shall invariably be sent to the *panchayat* which shall form part of the records of the *panchayat*. ”;

(4) to sub-section (6), the following proviso shall be added, namely :—

“Provided that, *Gram Sabha* may, by resolution, delegate its authority to the *panchayat* to exercise general supervision over the Government, semi-Government and *panchayat* employees including regular and timely attendance at their work place. The mode of recording of attendance and supervision shall be such as the Government may, from time to time, specify by an order in the *Official Gazette*. ”;

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार

मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५

(5) in sub-section (7), after the words “*Gram Sabha*” the words “, or as the case may be, the *panchayat*” shall be inserted;

(6) in sub-section (10), after the words “exempted by the *Gram Sabha*” the words “, or as the case may be, the *panchayat*” shall be inserted;

(7) in sub-section (11),—

(a) after the words “prepared and maintained” the words “in a separate register” shall be inserted;

(b) the following proviso shall be added, namely :—

“Provided that, it shall be a joint responsibility of the *Sarpanch* and Secretary of the concerned *panchayat* to maintain secured custody and proper safety of proceeding register, attendance register and other relevant records of the *Gram Sabha*, and they shall be primarily held responsible for any tampering, alteration, manipulation of entries or contents or loss or mutilation of such record unless proved otherwise and shall be liable to be prosecuted under relevant provisions of the Indian Penal Code.”.

45 of
1860.

3. In section 35 of the principal Act,—

(i) in sub-section (3),-

(a) for the portion beginning with the words “shall cease to hold office” and ending with the words “shall be deemed to be vacant:”, the following shall be substituted, namely :—

“shall forthwith stop exercising all the powers and perform all the functions and duties of the office and thereupon such powers, functions and duties shall vest in the *Upa-Sarpanch* in case the motion is carried out against the *Sarpanch*; and in case the motion is carried out against both the *Sarpanch* and *Upa-Sarpanch*, in such officer, not below the rank of Extension Officer, as may be authorised by the Block Development Officer, till the dispute, if any, referred to under sub-section (3B) is decided :

Provided that, if the dispute so referred is decided in favour of the *Sarpanch* or, as the case may be, *Upa-Sarpanch*, thereby setting aside such motion, the powers, functions and duties of the *Sarpanch* or *Upa-Sarpanch* shall forthwith stand restored, and if the dispute is decided confirming the motion, the office of the *Sarpanch* or, as the case may be, *Upa-Sarpanch* shall be deemed to have fallen vacant from the date of the decision of the dispute, unless the incumbent has resigned earlier :

Provided further that, in cases where the offices of both the *Sarpanch* and *Upa-Sarpanch* become vacant simultaneously, the officer authorised under this sub-section shall, pending the election of the *Sarpanch*, exercise all the powers and perform all the functions and duties of the *Sarpanch* but shall not have the right to vote in any meetings of the *panchayat*;”;

Amendment
of section
35 of Bom.
III of 1959.

ACER—8

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार
मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५

३९

- (b) in the first proviso, for the words “Provided that” the words “Provided also that” shall be substituted;
- (c) in the second proviso, for the words “Provided further that” the words “Provided also that” shall be substituted;
- (ii) in sub-section (3B), for the words, figure and letter “within fifteen days from the date on which it was received by him; and any such decision shall, subject to an appeal under sub-section (3C), be final” the words “within thirty days from the date on which it was received by him and his decision shall be final” shall be substituted;
- (iii) sub-sections (3C), (3D) and (4) shall be deleted.

4. In section 43 of the principal Act, in sub-section (1),—

- (a) after the word “disqualification,” the words “confirmation of no confidence motion,” shall be inserted;

(b) the following proviso shall be added, namely:-

“Provided that, the post of the *Sarpanch* or *Upa-Sarpanch*, as the case may be, fallen vacant under this sub-section shall be filled in within thirty days from the date of such vacancy.”.

5. After section 61 of the principal Act, the following section shall be inserted, namely :—

“61A. (1) Notwithstanding anything contained in this Act, taking into consideration the population, income and potential of the *panchayat* and such other factors as may be prescribed, the State Government shall, by notification in the *Official Gazette*, direct that a *panchayat* or a group of *panchayats* may engage experts, technical support agencies and skilled manpower on contract or on consultancy basis for conceiving, preparing, executing, operating, managing, maintaining and supervising the *panchayat* Development Plan, Land Development Plan and Environmental Development Plan for planned growth of the *panchayat* as well as the Livelihood and Employment Development Plan, Physical and Social Infrastructure Development Plan and other related activities to develop such *panchayats* or group of *panchayats* as growth centres.

Amendment
of section
43 of Bom.
III of 1959.

Insertion of
section 61A
in Bom. III
of 1959.

Provisions
for
development
of
panchayats
as growth
centres.

(2) The experts, technical support agencies and skilled manpower engaged under sub-section (1) shall be from a panel prepared by the officer authorised by the State Government in this behalf, and the persons so engaged shall possess such qualifications and experience and shall be engaged on such terms and conditions as may be prescribed.

(3) The State Government may, direct such *panchayats* or group of *panchayats* to allocate such portion of funds from any scheme, project, programme or work sponsored by the State Government or the Central Government, as permissible, or from Village Development Fund or other own sources of the *panchayats* or group of *panchayats* which shall be utilised for engaging such persons.”.

ACER—8

४०

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार

मार्च ६-१२, २०१४/फालुन १५-२१, शके १९३५

STATEMENT OF OBJECTS AND REASONS

With a view to develop village *panchayats* as grass-root democratic governing institutions and growth centres, to empower village *panchayat* to exercise supervisory powers over the village level functionaries, to encourage active participation of the women members of the *Gram Sabha* in the functioning of the village *panchayat* and to make certain other incidental provisions, it is considered expedient to amend the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), suitably.

2. Some of the important provisions proposed to be made are explained below,—

(i) It is proposed to amend section 7 of the said Act to provide for convening of at least four meetings of the *Gram Sabha* in a year, consideration of the recommendations of the women members by the *Gram Sabha*, custody and maintenance of records of village *panchayats* and supervisory powers of village *panchayat* over the village level functionaries.

(ii) It is proposed to amend section 35 of the said Act to provide that a *Sarpanch* or *Upa-Sarpanch* shall, if a motion of no confidence is carried against him by a majority of not less than two-third of the members, forthwith stop exercising his powers, functions and duties.

(iii) It is proposed to amend section 43 of the said Act to provide that the vacancy in the office of the *Sarpanch* or *Upa-Sarpanch* shall be filled within a period of thirty days.

(iv) It is also proposed to insert a new section 61A in the said Act with a view to ensure development of village *panchayats* as growth centres, high standard of infrastructure and state of art amenities with due regard to environmental balance through experts, technical support agencies and skilled manpower.

3. Hence this Bill.

Mumbai,

Dated the 17th July 2012.

JAYANT PATIL,

Minister for Rural Development.

Vidhan Bhavan :

Mumbai,

Dated the 19th July 2012.

DR. ANANT KALSE,

Principal Secretary,

Maharashtra Legislative Council.

२६

शुक्रवार, जुलै २०, २०१२/आषाढ २९, शके १९३४

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill which was introduced in the Maharashtra Legislative Council on the 19th July, 2012 is published under rule 113 of the Maharashtra Legislative Council Rules :—

L. C. BILL No. XI OF 2012.

A BILL

further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III of 1888.
Bom. LIX of 1949.
C.P. and Berar II of 1950.
Mah. XL of 1965.
WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965,

for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2012.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 50S of the Mumbai Municipal Corporation Act (hereinafter referred to as "the Mumbai Corporation Act"), in Bom. III of 1888. 2. In section 50S of this Chapter referred to as "the Mumbai Corporation Act", in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the relative strength starting from the highest fraction number in the respective relative strength, till all the seats are allotted :".

Amendment of section 129A of the Mumbai Corporation Act, after the words and figures "under section 125" the words, figures and letter "and estimates prepared by the General Manager under section 126A" shall be inserted.

Amendment of section 460A of the Mumbai Corporation Act, after sub-section (2), the following sub-section shall be added, namely:—

"(3) Where, any proposal of the General Manager requires the sanction or approval of the Brihan Mumbai Electric Supply and Transport Committee or the corporation, the Brihan Mumbai Electric Supply and Transport Committee or, as the case may be, the corporation, shall consider and dispose of any such proposal within forty-five days in case of the said Committee and ninety days in case of the corporation, reckoned from the date of the meeting of the Brihan Mumbai Electric Supply and Transport Committee

or, as the case may be, the corporation, held immediately after the proposal is received by the Secretary of the said Committee or as the case may be, the Municipal Secretary, whether the item pertaining to such proposal is taken on agenda of such meeting or not, failing which, sanction or approval to such proposal shall be deemed to have been given by the Brihan Mumbai Electric Supply and Transport Committee or, as the case may be, the corporation, and a report to that effect shall be made by the General Manager to the Government and it shall be lawful for the General Manager to take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.”.

5. In section 460K of the Mumbai Corporation Act,—

- (1) in clause (c), for the words “ten lakhs rupees” the words “fifty lakhs rupees” shall be substituted ;
 (2) in clause (d), for the words “one lakh rupees” the words “five lakhs rupees” shall be substituted.

Amendment of section 460K of Bom. III of 1888.

6. In section 460L of the Mumbai Corporation Act, in the proviso, after the words “Transport Committee” the words “or by two officers of the Brihan Mumbai Electric Supply and Transport Undertaking to whom the powers have been delegated by the General Manager” shall be added.

Amendment of section 460L of Bom. III of 1888.

7. In section 460M of the Mumbai Corporation Act, in sub-section (1),—

- (1) for the words “fifty thousand rupees” the words “three lakhs rupees” shall be substituted ;

Amendment of section 460M of Bom. III of 1888.

(2) the following proviso shall be added, namely :—

“Provided that, the notice of any tender for contract not exceeding three lakhs rupees shall be uploaded on the official website of the Brihan Mumbai Electric Supply and Transport Undertaking.”.

8. In section 460Q of the Mumbai Corporation Act,—

Amendment of section 460Q of Bom. III of 1888.

- (1) in clause (a), for the words “two thousand rupees” the words “ten thousand rupees” shall be substituted ;

(2) in clause (b), in the proviso, for the words “fifteen thousand rupees” the words “seventy-five thousand rupees” shall be substituted ;

(3) in clause (c),—

(i) for the words “one lakh rupees” at the both places where they occur, the words “five lakhs rupees” shall be substituted;

(ii) for the words “for any period ” the words “for any continuous period” shall be substituted ;

(iii) for the words “ten thousand rupees ” the words “fifty thousand rupees” shall be substituted.

Amendment
of section
460R of
Bom. III of
1888.

Amendment
of section
460T of
Bom. III of
1888.

9. In section 460R of the Mumbai Corporation Act, in sub-section (2), in the proviso, for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted.

10. In section 460T of the Mumbai Corporation Act,—

(1) in sub-section (1), for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted;

(2) in sub-section (2), for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted.

CHAPTER III

AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Amendment
of section
31A of
Bom. LIX
of 1949.

11. In section 31A of the Bombay Provincial Municipal Corporations Act, 1949, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:

Bom.
LIX of
1949.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted:".

CHAPTER IV

AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Amendment
of section
40A of C.P.
and Berar
II of 1950.

12. In section 40A of the City of Nagpur Corporation Act, 1948, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:

C.P. and
Berar II
of 1950.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures

so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted:".

CHAPTER V

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965. **13.** In section 63 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (2B), for the first proviso, the following proviso shall be substituted, namely:-

Amendment of section 63 of Mah. XL of 1965.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted:".

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार
मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५

STATEMENT OF OBJECTS AND REASONS

Section 50S of the Mumbai Municipal Corporation Act (Bom. III of 1888), section 31A of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), section 40A of the City of Nagpur Corporation Act, 1948, (C.P. and Berar II of 1950) and section 63 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), provide for procedure to be followed in nominating the Councillors on various Committees of the bodies established under those Acts, on the basis of the relative strength of the recognized parties or registered parties or groups or *aghadis* or fronts in the Corporation or the Council, as the case may be. It has been observed that, there is no clear provision in the said Municipal laws regarding dealing with fractions while allotting the seats. With a view to bring more clarity while allotting the seats, the Government considers it expedient to suitably amend the said provisions in the said Municipal laws.

2. In order to bring in greater efficiency, transparency and accountability in the functioning of the *Brihan Mumbai* Electric Supply and Transport Undertaking, the Government also considers it expedient to amend the provisions relating to the Undertaking and the Committee obtaining in the Mumbai Municipal Corporation Act,—

- (i) to prevent inordinate delay in decision making, to prescribe time limits for the Brihan Mumbai Electric Supply and Transport Committee, or the Corporation in respect of decision on any proposal made by the General Manager;
- (ii) to provide for adoption of estimates prepared by the General Manager under section 126A to be the budget estimates for the official year, if for any reason the corporation is not in a position to adopt the budget estimates before the commencement of the official year, till the budget estimates are duly adopted by the corporation;
- (iii) to enhance the financial powers of the General Manager;
- (iv) to simplify the provisions regarding signing and countersigning the contracts on behalf of the corporation for the purposes of the Undertaking for execution of any work or supply of any materials or goods;
- (v) to enhance the power of the General Manager and the Brihan Mumbai Electric Supply and Transport Committee for creation of temporary posts on the establishment of the Brihan Mumbai Electric Supply and Transport Undertaking.

3. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 17th July, 2012.

PRITHVIRAJ CHAVAN
Chief Minister.

Vidhan Bhavan :
Mumbai,
Dated the 19th July 2012

DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Council.

२७

सोमवार, जुलै २३, २०१२/श्रावण १, शके १९३४

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill which was introduced in the Maharashtra Legislative Council on the 23rd July 2012 is published under rule 113 of the Maharashtra Legislative Council Rules :—

L. C. BILL No. XII 2012.

A BILL

further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. WHEREAS it is expedient further to amend the Mumbai Municipal III of 1888. Corporation Act, the Bombay Provincial Municipal Corporations Act, Bom. 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra LIX of 1949. Municipal Councils, Nagar Panchayats and Industrial Townships Act, C. P. 1965, for the purposes hereinafter appearing ; it is hereby enacted in and Berar the Sixty-third Year of the Republic of India as follows:—
II of 1950.
Mah.
XL of 1965.

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार
मार्च ६-१२, २०१४/फालुन १५-२१, शके १९३५

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2012.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 521 of Bom. III of 1888. 2. Section 521 of the Mumbai Municipal Corporation Act, (hereinafter, in this Chapter, referred to as “the Mumbai Corporation Act”), shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

“(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988.”.

Insertion of section 521A in Bom. III of 1888. 3. After section 521 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Power of State Government to accord previous sanction. “**521A.** Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.”.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Amendment of section 482 of Bom. LIX of 1949. 4. In section 482 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as “the Provincial Corporations Act”), after sub-section (2), the following sub-section shall be added, namely :—

“(3) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988.”.

5. After section 482 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Insertion of
section
482A in
Bom. LIX
of 1949.

“482A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.”.

Power of
State
Government
to accord
previous
sanction.

CHAPTER III

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

C.P. 6. Section 394 of the City of Nagpur Corporation Act, 1948 and (hereinafter, in this Chapter, referred to as “the Nagpur Corporation Berar II of Act”), shall be re-numbered as sub-section (1) thereof ; and after sub- 1950. section (1), as so re-numbered, the following sub-section shall be added, namely :—

Amendment
of section
394 of C. P.
and Berar
II of 1950.

49 of (2) Every Councillor shall be deemed to be a public servant 1988. within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988. ”.

7. After section 394 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of
section
394A in C.
P. and
Berar II of
1950.

“394A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.”.

Power of
State
Government
to accord
previous
sanction.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. 8. Section 302 of the Maharashtra Municipal Councils, *Nagar XL of Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this 1965. Chapter, referred to as “the Municipal Councils Act”), shall be

Amendment
of section
302 of Mah.
XL of 1965.

re-numbered as sub-section (1) thereof ; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

“(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988.”.

Insertion of
section
302A in
Mah. XL of
1965.

Power of
State
Government
to accord
previous
sanction.

9. After section 302 of the Municipal Councils Act, the following section shall be inserted, namely :—

“**302A.** Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.”.

49 of
1988.

2 of
1974.

49 of
1988.

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार

मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५

STATEMENT OF OBJECTS AND REASONS.

As per the provisions obtaining in the existing Municipal laws, the Councillors of Municipal Corporations and Municipal Councils are public servants within the meaning of section 21 of the Indian Penal Code. However, there is no provision providing that such Councillors are public servants within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988). Similarly, there is no clear provision as to the authority competent to accord sanction for prosecution of the Councillors. In view of this, such prosecutions are hindered in legal tangle.

2. The State Government, therefore, considers it expedient to amend the Mumbai Municipal Corporation Act (Bom. III of 1888), the Bombay Provincial Municipal Corporations Act, 1948 (Bom. LIX of 1949) the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950) and the Maharashtra Municipal Councils, *Nagpur Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), so as to declare that the Councillors under those Acts shall also be deemed to be public servants within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988 as also to explicitly provide that, the State Government shall be the authority competent to accord previous sanction as required under section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988. Such a provision would protect the genuine Councillors from unnecessary harassment.

3. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 19th July 2012.

PRITHVIRAJ CHAVAN,

Chief Minister.

Vidhan Bhavan :

Mumbai,

Dated the 23rd July 2012.

DR. ANANT KALSE,

Principal Secretary,

Maharashtra Legislative Council.

मंगळवार, डिसेंबर ११, २०१२/अग्रहायण २०, शके १९३४

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill which was introduced in the Maharashtra Legislative Council on the 11th December, 2012 is published under Rule 113 of the Maharashtra Legislative Councils Rules :-

L. C. BILL No. XIII OF 2012.

A BILL

further to amend the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2012, on the 8th October 2012 ;

Mah.
XL of
1965.
Mah.
Ord.
X of
2012.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2012. Short title and commencement.

(2) It shall be deemed to have come into force on the 8th October 2012.

Mah. **2.** To section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the principal Act”), the following provisos shall be added, namely :— Amendment of section 9A of Mah. XL of 1965.

“Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that, he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

3. To section 51-1B of the principal Act, the following provisos shall be added, namely :— Amendment of section 51-1B of Mah. XL of 1965.

“Provided that, for the elections for the post of President for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that, he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a President.”.

Repeal of 4. (1) The Maharashtra Municipal Councils, *Nagar Panchayats* and Mah. Ord. Industrial Townships (Second Amendment) Ordinance, 2012, is hereby X of 2012 repealed. Mah. Ord. X of 2012 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) provided that a person who desires to contest election to a reserved seat shall submit, alongwith the nomination papers, the Caste Certificate issued to him by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001).

2. The general elections of approximately ten Municipal Councils were scheduled to be held in October 2012 and preliminary work for holding those elections had already commenced. Such elections of other Municipal Councils are also likely to be held in near future. Taking into consideration the pendency of large number of applications with the Scrutiny Committee, number of persons desirous of contesting the elections to the reserved seats would not have got the Validity Certificate issued by the Scrutiny Committee before the date of filing nomination and as a result, they would have been deprived of their right to contest the election. The Government, therefore, considered it expedient to amend the said Act with a view to allow the persons desirous of contesting election for reserved seats and who had applied to the Caste Scrutiny Committee for obtaining Caste Validity Certificate at the time of filing the nomination, to submit the Caste Validity Certificate within six months from the date on which they were declared elected. Similarly, the Government considered it expedient to amend section 51-1B of the said Act to allow Presidents of the Councils elected against reserved post, to submit the Validity Certificate within six months from the date on which they were declared elected.

3. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes aforesaid, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2012 (Mah. Ord. X of 2012), was promulgated by the Governor of Maharashtra on the 8th October 2012.

4. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 21st November, 2012.

VIDHAN BHAVAN
Nagpur
Dated the 11th December, 2012

PRITHVIRAJ CHAVAN,
Chief Minister.

DR. ANANT KALSE,
Principal Secretary
Maharashtra legislative Council